

REMARKS*The Claims*

For the purpose of expediting prosecution of the application, applicants have cancelled claims 1-34, 38-41, 52, and 54-60 and reserve the right to file a continuation or divisional application claiming the subject matter of the cancelled claims which continuation or divisional application claims priority to the present application. Claims 35, 53, 61, 62, and 65-80 have been amended. Claims 35-37, 42-51, 53, and 60-80 are currently pending in this application. Claims 43-51 have been allowed. No new matter is being hereby introduced.

Support for the amendments made to claims 35 and 80, where the modified pneumolysin polypeptide has one or more than one amino acid substitution, may be found at page 34, lines 19-34 of the instant specification.

Claim 53 has been amended to depend from claim 35, and adds the subject matter of claim 60, which has been cancelled.

As claim 60 has been cancelled and incorporated into claim 53, claim 61 has been amended to now depend from claim 53 instead of claim 60.

Claims 62-79 have been amended for clarification and support may be found in base claim 35.

Claim 80 has been amended for clarity and to delete reference to substitutions at positions 127 and 172 in order to address the Examiner's concerns.

Applicants respectfully submit that these amendments do not constitute new matter and respectfully request entry thereof.

AUTHORIZATION

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 13-4500, Order No. 3842-4036US2 for any underpayment or to credit any overpayment.

Serial No.: 09/120,044

Docket No. 3842-4036US2

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

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By: 

Evelyn M. Kwon

Registration No. 54,246

MORGAN & FINNEGAN L.L.P.

345 Park Avenue

New York, New York 10154

U.S.A.

Tel: (212) 758-4800

Fax: (212) 751-6849